

Message Text

CONFIDENTIAL

PAGE 01 STATE 171434

41

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TO AMEMBASSY BONN PRIORITY

INFO AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

USMISSION USBERLIN

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C O N F I D E N T I A L STATE 171434

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, US, UK, FR

SUBJECT: FRENCH DEMARCHE ON FEDERAL PROSECUTION OF LORENZ

REF; STATE 166421

1/ FRENCH EMBASSY HEAD OF CHANCERY EPERVIER CALLED ON COUNSELOR SONNENFELDT JULY 9 TO PRESENT FRENCH POSITION ON PROSECUTION OF LORENZ KIDNAPPERS IN BERLIN BY FEDERAL PROSECUTOR GENERAL. EPERVIER STRESSED HE WAS SPEAKING ON INSTRUCTIONS FROM SAUVAGNARGUES.

2. EPERVIER'S PITCH WAS AS FOLLOWS: (A) THE FRENCH SIDE
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PAGE 02 STATE 171434

RECOGNIZES THAT THE FRG HAS A LEGAL RIGHT UNDER THE QA AS

INTERPRETED BY THE ALLIED LETTER TO SCHEEL ON MAY 15, 1972, TO HOLD THE TRIAL IN WEST BERLIN. (B) THIS INTERPRETATION OF THE QA IS NOT BINDING ON THE SOVIETS, HOWEVER, AND THE ALLIES CAN EXPECT STRONG PROTESTS FROM THE SOVIET SIDE IF BUBACK IS ALLOWED TO CONDUCT THE TRIAL IN THE CITY. (C) IN LIGHT OF THIS POTENTIAL PROBLEM, THE FRENCH WOULD LIKE THE US AND UK TO JOIN IN A DECISION THAT WOULD MOVE THE TRIAL OUT OF BERLIN TO ANOTHER GERMAN CITY. THE ALLIED RATIONALE FOR CHANGING THE TRIAL SITE WOULD BE THE AVOIDANCE OF TROUBLE AND INCIDENTS AT THE TRIAL IN WEST BERLIN.

SAUVAGNARGUES AND GENSCHER DISCUSSED THIS MATTER IN HAMBURG EARLIER THIS WEEK. THE FRENCH HAD THE IMPRESSION THAT THE FRG SIDE, FOR DOMESTIC POLITICAL REASONS, WISHED TO HOLD THE TRIAL IN BERLIN, WITH BUBACK LEADING THE PROSECUTION. HOWEVER, THE FRENCH ALSO GAINED THE IMPRESSION THAT THE WEST GERMANS WOULD ABIDE BY AN ALLIED DECISION, IN THE FORM OF A FORMAL BK/O, TO HAVE THE TRIAL HELD AWAY FROM BERLIN.

3. SONNENFELDT SAID THAT HE ASSUMED THAT THE FRENCH INSTRUCTIONS PREDATED THE PRESENTATION OF THE US POSITION IN THE JULY 8 BONN GROUP MEETING. EPERVRIER SAID HE TOO ASSUMED THIS WAS THE CASE. SONNENFELDT THEN OUTLINED THE US POSITION (AS IN REFTEL). HE STRESSED THAT THE US HAD STRONG RESERVATIONS ABOUT STATING THAT THE ALLIES COULD NOT MAINTAIN PUBLIC ORDER IN BERLIN. THIS WOULD CREATE PSYCHOLOGICAL PROBLEMS FOR THE WEST BERLINERS WHO WERE ALREADY UNEASY ABOUT THE SALAMI TACTICS OF THE USSR/GDR. HE ASKED THAT EPERVRIER REPORT THAT THE US SIDE WISHED TO HAVE THE QUAI CONSIDER SERIOUSLY THE US PROPOSAL TO HAVE THE LOCAL BERLIN BRANCH OF THE FEDERAL PROSECUTOR GENERAL'S OFFICE CONDUCT THE TRIAL IN BERLIN. SONNENFELDT SAID THAT HE THOUGHT THE FRG AND UK WOULD PROBABLY ACCEPT OUR APPROACH. HE DID NOT EXCLUDE THE POSSIBILITY OF A SOVIET PROTEST EVEN IF THE BERLIN BRANCH HANDLED THE PROSECUTION. HOWEVER, HE THOUGHT THE ALLIES WOULD BE IN A STRONGER LEGAL POSITION TO REPLY THAN IF BUBACK LED THE PROSECUTION.

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PAGE 03 STATE 171434

4. SONNENFELDT SAID ADDITIONALLY THAT THE FRENCH PROPOSAL WOULD DRAW THE ALLIES INTO THE MIDST OF THE FRG ELECTION CAMPAIGN. SO FAR, HE NOTED, WE HAD MANAGED TO KEEP BERLIN OUT OF THE CAMPAIGN. THIS WAS IN ALL OF OUR INTERESTS AND ANY CHANGE IN THAT SITUATION COULD PROVE UNPLEASANT FOR ALL OF THE ALLIES, WHO WOULD BE ACCUSED OF BEING WEAK IN THE FACE OF SOVIET PRESSURE.

5. SONNENFELDT CONCLUDED BY RECOMMENDING THAT THE FRENCH REVIEW THE US POSITION AND TRY TO GET INSTRUCTIONS TO THEIR BONN GROUP REPRESENTATIVE IN TIME FOR FURTHER DISCUSSIONS EARLY NEXT WEEK. HE SAID THAT HE THOUGHT THE SOLUTION TO THE PROBLEM SHOULD BE WORKED OUT THERE. HE WOULD, OF COURSE, BE HAPPY TO RECEIVE ANY ADDITIONAL FRENCH VIEWS, IF THE FRENCH AUTHORITIES DESIRED FURTHER BILATERAL EXCHANGES. EPERVIER SAID HE WOULD REPORT IMMEDIATELY TO PARIS, AND ADDED THAT A SIMILAR FRENCH DEMARCHE HAD BEEN MADE IN LONDON. KISSINGER

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